

ATTORNEY DOCKET NO.: 05015.0365U1
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#6
12/15/01
AS

In re application of:

IRICK JR. *et al.*

Serial No.: 09/662,965

Filed: September 15, 2000

For: "METHODS FOR SLOWING THE
DEGRADATION RATE OF BIODEGRADABLE
POLYMERS AND BIODEGRADABLE
POLYMER COMPOSITIONS AND
COMPOSITIONS THEREOF"

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)
)
) Group Art Unit: 1712

)
) Examiner: Patricia A. Short

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ELECTION OF SPECIES

VIA FACSIMILE (703) 305-3599
Assistant Commissioner for Patents
Washington, D.C. 20231
ATTN: Examiner P. Short

NEEDLE & ROSENBERG, P.C.
127 Peachtree Street, NE
The Candler Building, Suite 1200
Atlanta, GA 30303

December 12, 2001

Madame:

This is in response to the Election of Species dated November 30, 2001. In response thereto, please consider the following:

Biodegradable Polymer

The Office Action has required election between the following allegedly patentably distinct species: the aliphatic-aromatic copolyester having repeat units of the formula on page 22 of the specification; the aliphatic polyester having repeating units of the first formula on page 23 of the

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specification; C₁-C₁₀ cellulose ester; poly(vinyl alcohol); poly(ethylene-co-vinyl-alcohol); poly(vinyl acetate); poly(ethylene-co-vinyl acetate); poly(ethylene D-tartrate); poly(p-diaxanone); polyorthoformate; poly(oxyethylene glycolate); and polyethylene oxide.

Applicants provisionally elect the aliphatic-aromatic copolyester having repeat units of the formula on page 22 of the specification. Claims 6-7, 19 and 23-24 currently read on the elected species. Applicants acknowledge that upon allowance of a generic claim, Applicants will be entitled to consideration of additional species that are written in dependent form or otherwise include all limitations of an allowed generic as provided by 37 C.F.R. 1.141.

Phenol-Containing Compound

The Office Action further contends the application contains additional patentably distinct species in the manner of the phenol-containing compounds. In particular, the Office Action contends the following species are recited: terpene-phenol resin, poly(vinyl phenol), 4-4'-thio-bis(2-*t*-butyl-5-methylphenol), polymeric alkylated phenol, 2,5-di-*t*-amylhydroquinone, 1,1-di-(2-methyl-4-hydroxy-5-*t*-butylphenyl)butane, 1,1'-thio-bis(2-hydroxynaphthalene), diphenyl-isodecyl phosphite, diisodecylphenyl phosphite, tris(*p*-nonylphenyl)phosphite and tris(3-methyl-4-(2-methyl-4-hydroxy-5-*t*-butylphenylthio)-6-*t*-butyl)phosphite.

Applicants provisionally elect the species of terepene-phenol resin. Presently, claims 1-9, 14-15 and 22-28 read on the elected species. Applicants acknowledge that upon allowance of a generic claim, Applicants will be entitled to consideration of additional species that are written in dependent form or otherwise include all limitations of an allowed generic as provided by 37 C.F.R. 1.141.

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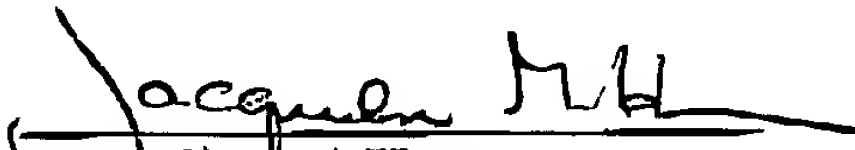
CONCLUSION

In light of the above made Election of Species, Applicants respectfully request an action on the merits for this application.

No fee is believed to be due; however, the Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 14-0629.

Respectfully submitted,


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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited as a facsimile to the following address: Examiner P. Short, (703) 305-3599, Assistant Commissioner for Patents, Washington, D.C. 20231, on the date below.


Jacqueline M. Hutter

Dec 12, 2001
Date

LAW OFFICES OF
NEEDLE & ROSENBERG, P.C.

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